

REMARKS

INTRODUCTION

Claims 1-4, 7-11, 13, 14, 26-32, and 44-46 were previously and are currently pending and under consideration.

There are 21 claims pending, of which 4 are independent (claims 1, 13, 26, and 44).

Claims 1-4, 7-11, 13, 14, 26-32, and 44-46 stand rejected.

No claims are amendeded herein.

No new matter has been added. Reconsideration and withdrawal of the objection rejections is respectfully requested.

NEW NON-FINAL OFFICE ACTION REQUIRED: IMPROPER REFERENCES

Present Application Has Effective Filing Date of *March 24, 1999*

Under 35 U.S.C. § 119(e), the present application claims priority to provisional application 60/125,902, filed *March 24, 1999*. See page 2 of the "Combined Declaration And Power of Attorney", filed with the present application on March 8, 2000. See also the first paragraph of the present specification, stating: "This application is entitled to priority pursuant to a provisional application filed March 24, 1999, Serial No. 60/125,902". The effective filing date of the present application is *March 24, 1999*.

Hamzy Unavailable as Prior Art; *March 31, 1999*

All of the pending claims stand rejected based on U.S. Patent 6,711,294 to Hamzy. Hamzy has no claim to an earlier priority date, and its filing date of *March 31, 1999* *postdates* the present application's effective filing date of *March 24, 1999*. Hamzy is not available as prior art.

In traversing Hamzy as an improper reference, Applicant does not admit that Hamzy teaches the claim limitations for which it has been cited. For example, Hamzy does not discuss or suggest "determining at the device driver ... whether the device driver is capable of decompressing the type of compression", as recited in claim 1.

Ikegawa Unavailable as Prior Art: May 11, 1999

All of the pending claims stand rejected based on U.S. Patent 6,538,758 to Ikegawa. Ikegawa's filing date of *May 11, 1999* *postdates* the present applications' effective filing date of *March 24, 1999*. Ikegawa claims priority to two Japanese applications filed in 1998, however, as stated in MPEP § 2136.03: "... the foreign priority date of the reference under 35 U.S.C. 119(a)–(d) (f), and 365(a) cannot be used to antedate the application filing date." Ikegawa is not available as prior art.

In traversing Hamzy as an improper reference, Applicant does not admit that Ikegawa teaches the claim limitations for which it has been cited. See Applicant's previous remarks regarding Ikegawa.

New Non-Final Office Action Required

In view of the citation to improper references, a new Office Action is required. Furthermore, such Action should be Non-Final. The Ikegawa reference was relied on in the Non-Final Office Action of Nov. 20, 2006 and in the Final Office Action of July 5, 2007. *Any new ground of rejection not based on Ikegawa cannot have been necessitated by Applicant's April 19 amendment to the claims.* Therefore, any new Action should be Non-Final.

REJECTION OF CLAIMS 13 AND 14 UNDER § 101

Claims 13 and 14 stand rejected under § 101 as directed to non-statutory subject matter.

Claims 13 and 14 were amended on April 19, 2007 to recited "tangible computer-readable media". Although Applicant believes the claims presently satisfy the requirement of §

101, the specification has been amended to delete the portions that relate to intangible signal media.

Withdrawal of the rejection is respectfully requested.

CONCLUSION

The present application is in condition for allowance. A prompt action to such end is requested.

Should any fees be required in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-0463.

If the Examiner believes a telephone interview would be helpful to expedite prosecution, the Examiner is invited to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,
Microsoft Corporation

Date: 4 Oct 2007

By: /James T. Strom/

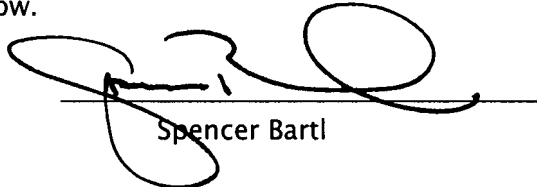
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4 Oct 2007

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Spencer Bartl

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